

ORDINANCE NO. CO36.20.07.09.E1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING CEDAR PARK CODE OF ORDINANCES CHAPTER 18 UTILITIES, ARTICLE 18.06 REGULATING DISCHARGE OF WASTES INTO SANITARY SEWERS, AND ADDING APPENDIX A FEE SCHEDULE, ARTICLE 8.000 UTILITY RELATED FEES, SECTION 8.1200 WASTEWATER DISCHARGE PERMIT FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, this proposed ordinance regulates discharges of wastes into sanitary sewers to help minimize interference that discharge pollutants may have on the operation of the City of Cedar Park's and Brushy Creek Regional Wastewater System's water reclamation facilities, minimizes toxic pollutants in sludge removed during the wastewater treatment process, and minimizes toxic pollutants that may pass through the treatment process and be discharged into receiving waters; and

WHEREAS, the proposed amendments are required by the Texas Commission on Environmental Quality (TCEQ) and the Environmental Protection Agency (EPA) to comply with their Pretreatment Streamlining Rule as part of the Title 40, Code of Federal Regulations, Part 403 – General Pretreatment Regulations for Existing and New Sources of Pollution; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001 the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule, or police regulation that is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality, and is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, the City Council finds that the proposed amendments is for the good government, peace, or order of the municipality and is necessary or proper for carrying out a power granted by law to the municipality.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That Cedar Park Code of Ordinances Chapter 18 Utilities, Article 18.06 Regulating Discharge of Wastes Into Sanitary Sewers is hereby amended in accordance with Exhibit A.

SECTION 2. That Cedar Park Code of Ordinances Appendix A Fee Schedule, Article 8.000 Utility Related Fees, Section 8.1200 Wastewater Discharge Permit Fee is hereby amended in accordance with Exhibit A.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That the ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

READ AND CONSIDERED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 25th day of June, 2020, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

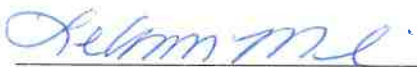
READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 9th day of July 2020, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

PASSED AND APPROVED this the 9th day of July, 2020.

CITY OF CEDAR PARK, TEXAS


Corbin Van Arsdale, Mayor

ATTEST:


LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:


J.P. LeCompte, City Attorney



ORDINANCE NO. CO36.20.07.09.E1

EXHIBIT A

ARTICLE 18.06 REGULATING DISCHARGE OF WASTES INTO SANITARY SEWERS

Section 18.06.001 Purpose and Applicability

(a) Purpose. This Article sets forth requirements for Users of the Publicly Owned Treatment Works for the City of Cedar Park and enables the City to comply with all applicable State and Federal Laws related to the use of the Publicly Owned Treatment Works. It also adopts by reference, the applicable regulations of Title 40 Code of Federal Regulations, Part 403, "General Pretreatment Regulations for Existing and New Sources of Pollution," and other applicable State and Federal laws, including but not limited to, the Clean Water Act. These regulations are herein referred to as General Pretreatment Regulations, and all such references, both general and specific, shall be deemed to contemplate the most current, as amended version of the applicable regulation.

(b) Objectives. The objectives of this Article are to:

- (1) Prevent Interference with the operation of POTW facilities;
- (2) Prevent Pass-Through of POTW facilities;
- (3) Prevent any other condition which would be incompatible with POTW facilities;
- (4) Ensure the quality of POTW sludge to allow its use and disposal in compliance with statutes and regulations;
- (5) Protect general public and POTW personnel;
- (6) Improve the opportunity to recycle and reclaim wastewater and sludge;
- (7) Provide for equitable distribution of the cost of operation, maintenance and improvement of the POTW;
- (8) Enable the POTW to comply with TPDES permit conditions, sludge use and disposal requirements and any other Federal or State Laws.

(c) Applicability. This Article shall be applicable to all non-domestic Users that discharge to the City of Cedar Park's POTW;

Section 18.06.002 Abbreviations and Acronyms

ADSC Plan – Accidental Discharge / Slug Control Plan

BOD - Biochemical Oxygen Demand

BCRWS - Brushy Creek Regional Wastewater System

BMP – Best Management Practices

BMR – Baseline Monitoring Report

CA – Control Authority

CFR - Code of Federal Regulations

CIU – Categorical Industrial User

COD - Chemical Oxygen Demand

EPA - U.S. Environmental Protection Agency

FOG – fats, oils, and grease

gpd – gallons per day

IU – Industrial User

mg/l – milligrams per liter

POTW – Publicly Owned Treatment Works

RCRA – Resource Conservation Recovery Act

SIC – Standard Industrial Classification

SIU – Significant Industrial User

SNC – Significant Noncompliance

TAC - Texas Administrative Code

TCEQ - Texas Commission on Environmental Quality

TPDES - Texas Pollutant Discharge Elimination System

TSS - Total Suspended Solids

TTO – Total Toxic Organics

U.S.C. – United States Code

WRF - water reclamation facility

Section 18.06.003 Definitions

The following words and phrases shall have the meanings herein: The meaning of any term used in this Article that is not defined above shall be as defined in Title 40, Code of Federal Regulations.

Act or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, 33 U.S.C. Section 1251 et. seq.

Act of God shall mean if a Person can establish that an event that would otherwise be a violation of a statute within the commission's jurisdiction or a rule adopted or an order of a permit issued under such a statute was caused solely by an act of God, war, strike riot or other catastrophe, the event is not a violation of that statute rule, order or permit.

Approval Authority means the Executive Director of the TCEQ.

Approved Test Procedures means those procedures found at Title 40 CFR, Part 136 and those alternate procedures approved by the Administrator of the EPA under the provisions of Title 40.

Authorized Representative of the User shall mean the Person authorized to represent, sign, and submit documents in accordance with the following criteria:

(a) If the User is a corporation:

- (1) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other Person who performs similar policy or decision-making functions for the corporation; or
- (2) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

- (c) If the User is a Federal, State, or local governmental facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (d) The individuals described in paragraphs (a) through (c), above, may designate another Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

BOD (biochemical oxygen demand) means the oxygen required for the biochemical degradation of organic material in five (5) days at twenty degrees Celsius (20°C), expressed in milligrams per liter (mg/L), as determined by Approved Test Procedures.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 18.06.005(1)(a) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Bypass shall mean the intentional diversion of wastestreams from any portion of a user's Pretreatment facility.

Categorical Industrial User (CIU) means a user that is subject to the Categorical Pretreatment Standards as established or amended by the EPA.

Categorical Pretreatment Standards means a Pretreatment standard specifying quantities or concentrations of Pollutants or Pollutant properties which may be discharged to a POTW by existing or new Industrial Users in specific industrial subcategories that are established as separate regulations under Title 40 CFR 403.6 and Title 40 CFR chapter I, subchapter N, Parts 405-471 "EPA Effluent Guidelines and Standards."

City means the City of Cedar Park, Texas or any authorized Person acting in its behalf.

COD (chemical oxygen demand) means the measure of the oxygen equivalent of the organic matter content that is susceptible to oxidation by a strong chemical oxidant, expressed in mg/L as determined by Approved Test Procedures.

Composite Sample means a sample resulting from the combination of individual aliquots (Grab Samples) taken at equal intervals based on increments of time, flow or both.

Control Authority means:

- (a) The POTW if the POTW's Pretreatment Program Submission has been approved in accordance with the requirements of §403.11; or
- (b) The Approval Authority if the Submission has not been approved.

Cooling Water means;

- (a) Contact Cooling Water which is in direct contact with a raw material, intermediate product, waste product, or finished product and is considered process wastewater;
- (b) Non-contact Cooling Water which does not come into direct contact with any raw material, intermediate product, waste product, or finished product and can be discharged from a system such as air conditioning, refrigeration, or condensation and is considered non-process wastewater.

Control Point means point of access to a user's sewer where sewage monitoring can be done.

Daily Limit or Daily Maximum Limit shall mean the Maximum Allowable Discharge of a Pollutant over a calendar day or equivalent representative 24-hour period. Where daily maximum limits are expressed in units of mass, and the daily discharge is calculated by multiplying the daily average concentration and total flow volumes in the same 24-hour period by a conversion factor to get the desired units. Where Daily Limits are expressed in terms of a concentration, the daily discharge is the Composite Sample value, or flow weighted average if more than one discrete sample was collected. Where flow weighting is infeasible, the daily average is the arithmetic average of all samples if analyzed separately, or the same value if samples are composited prior to analysis.

Dilution means the addition of any material, either liquid or non-liquid, or any other method to attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the Categorical Pretreatment Standards or Local Limits set by this section.

Director means the City's Director of Public Works or their designee..

Discharge shall mean the introduction of Pollutants into the POTW from any nondomestic source but not limited to those regulated under Section 307(b), (c), or (4) of the Act.

Domestic Sewage means water-borne materials normally discharged from sanitary conveniences of dwellings, including apartment houses and hotels, office buildings and institutions, free from storm water, utility and process discharges. This source is not regulated under this Article.

Environmental Protection Agency (EPA) means the U.S. Environmental Protection Agency, or where, appropriate, The Regional Water Management Division director, or other duly authorized official of said agency.

Existing Source means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed Categorical Pretreatment Standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Fats, Oils, and Grease (FOG) includes polar (of animal or vegetable origin) and non-polar (of petroleum or mineral origin).

General Pretreatment Regulations means Title 40 Code of Federal Regulations, Part 403, "General Pretreatment Regulations for Existing and New Sources of Pollution."

Grab Sample means an individual sample collected without regard to flow in a time not to exceed fifteen minutes.

Hauled Wastes means wastes that are brought in by vehicle and may include septic tank, chemical toilet, grease trap or grease interceptor, grit trap or sand trap, oil/water separator, industrial wastes and aerobic digested sludge.

Indirect Discharge - see discharge.

Industrial User (IU) or User means an entity that discharges or has the potential to discharge non-Domestic Sewage.

Instantaneous Maximum Limit means maximum concentration of a Pollutant allowed to be discharged at any time, determined from the analysis of any discrete or Composite Sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both;

- (a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes; use or disposal; and
- (b) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit or of the prevention of Sewage Sludge use or disposal.

Local Limits means specific discharge limits for a Pollutant approved by the City in accordance with Approval Authority requirements and such limits shall be enforced by the City upon industrial or commercial facilities as Pretreatment Standards for the purpose of section 307(d) of the Act and to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Maximum Allowable Discharge Limit means maximum concentration of a Pollutant allowed to be discharged at any time, determined from the analysis of any discrete or Composite Sample collected, independent of the industrial flow rate and the duration of the sampling event.

Medical Waste means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Monthly Average Limit means a discharge limit based on the average of the analytical results of all samples for a parameter taken during a calendar month using Approved Test Procedures for both sampling and analysis.

National Pollution Discharge Elimination System or NPDES Permit shall mean a permit pursuant to Section 402 of the Act.

National Categorical Standards means the Pretreatment regulations of Title 40 of the Code of Federal Regulations, Chapter I, Subchapter N, "EPA Effluent Guidelines and Standards."

National Pretreatment Standard, Pretreatment Standard or Standard means any regulation containing Pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act:

New Source shall mean the following:

- (a) Any building, structure, facility or installation from which there is or may be a discharge of Pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - (1) The building, structure, facility or installation is constructed at a site which no other source is located; or
 - (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of Pollutants at an Existing Source; or
 - (3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source should be considered.
- (b) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (2) and (3) in Subsection (a), above, but otherwise alters, replaces, or adds to existing process or production equipment.
- (c) Construction of a New Source as defined herein has commenced if the owner or operator has:
 - (1) Begun, or caused to begin as part of a continuous onsite construction program any placement, assembly, or installation of facilities or equipment; or significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment; or

- (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation.

Non-Domestic Sewage means a source of discharge to the POTW that does not meet the definition of Domestic Sewage. Sources of Non-Domestic Sewage may include, but are not limited to, process or non-process wastewater, utility water, Cooling Water (contact and non-contact), contaminated storm water and contaminated groundwater. This Article applies to this source.

Non-Process Flow means sewage that is not classified as domestic or process, such as noncontact Cooling Water, cooling tower blowdown, air conditioner condensates, and demineralizer blowdown.

Outfall means a discharge of sewage that is expressly identified by the City for control and monitoring purposes.

Overload means the imposition of mass or hydraulic loading on a treatment facility in excess of its engineered design capacity.

Pass-Through means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's TPDES permits, including an increase in the magnitude or duration of a violation.

Person means any individual, organization, owner, operator, partnership, co-partnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State and local governmental entities.

pH means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration. Measure of the acidity or alkalinity measured in standard units.

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash sewage, garbage, Sewage Sludge, munitions, Medical Wastes, chemical wastes biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

POTW (Publicly Owned Treatment Works) means the sewage treatment works owned/operated by the City. This definition includes any devices and systems used in the conveyance, storage, treatment, recycling and reclamation of sewage. It includes sewers, pipes, and other structures that convey sewage to the headworks of the Cedar Park Water Reclamation Facility (WRF) or

from within the City to the Brushy Creek Regional Wastewater System (BCRWS) via diversion conveyance systems for treatment at that facility.

Pretreatment means the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such Pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6(d).

Pretreatment Standards means prohibited discharge standards, Categorical Pretreatment Standards, and Local Limits.

Pretreatment Requirements means all of the requirements that are set forth in Section 18.06.005 to Section 18.06.007 and in 40 CFR.

Process wastewater means wastewater that is generated during manufacturing or processing, which comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

Sewage means solids, liquids, or gaseous materials discharged to the POTW. Sewage includes both domestic and non-Domestic Sewage. May be used interchangeably with the term wastewater.

Sewer (sanitary sewer) means an artificial pipe or channel that carries sewage and to which storm water and ground water are not intentionally admitted. A user's sewer system contains the following components;

- (a) Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning three (3) feet outside the inner face of the building wall.
- (b) Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal.

Sewage Sludge means any solid, semi-solid, or liquid residue generated during the treatment of Domestic Sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of Domestic Sewage in a treatment works.

Shall means mandatory; May is permissive or discretionary.

Significant Industrial User means an Industrial User that is:

- (a) Subject to Categorical Pretreatment Standards;
- (b) Discharges an average of twenty-five thousand (25,000) gallons per day (gpd) or more of process flow to the POTW;
- (c) Discharges process flow which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or;
- (d) Has a reasonable potential, in the opinion of the City, to adversely affect the POTW treatment plant.

Significant Noncompliance means;

- (a) Chronic violation of a wastewater discharge limit defined here as those in which sixty-six percent or more of all the measurements taken for the same Pollutant parameter during a rolling six month period equals or exceeds (by any magnitude) a numeric Pretreatment standard or requirement, including instantaneous limits;
- (b) Technical Review Criteria (TRC) violation, defined here as those in which thirty-three percent or more of all the wastewater measurements for each Pollutant parameter taken during a rolling six-month period equals or exceeds the product of the numeric Pretreatment standard or requirement including instantaneous limits multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other Pollutants except pH);
- (c) Any other violation of a Pretreatment standard or requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) that the City determines has caused, alone or in combination with other discharges, Interference, Pass-Through, inhibits or disrupt the POTW, its treatment processes or operations, or its sludge processes, use or disposal or endangers the health of POTW personnel or the general public;
- (d) Any discharge of a Pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within ninety days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance; or

- (h) Any other violation, which may include a violation of Best Management Practices, which the City determines will adversely affect the operation or implementation of the local Pretreatment program.

Slug Load or Slug Discharge means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 18.06.005. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass-Through, or in any other way violate the POTW's regulations, Local Limits or permit conditions.

Source means a sewer connection to the City's POTW.

Standard Industrial Classification (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Office of Management and Budget.

Storm water means any water generated during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

TPDES means the Texas Pollutant Discharge Elimination System.

TPDES permit holder means the City of Cedar Park for the Cedar Park WRF.

TSS (total suspended solids, nonfilterable residue) means solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and which are largely removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in 40 CFR Part 136.

User means any source or potential source of wastewater or Pollutants connected to the POTW.

Wastewater means liquid and water-carried Pollutants and sewage from users, whether treated or untreated, which are contributed to the City's POTW. May be used interchangeably with the term sewage.

Section 18.06.004 General Sewer User Requirements

Section 18.06.005 thru Section 18.06.007 shall apply to a User if applicable, whether or not the User is subject to other Federal, State or local requirements. A User in an industrial manufacturing category specified in Title 40 of the Code of Federal Regulations Chapter I, Subchapter N, "EPA Effluent Guidelines and Standards" shall be subject to: prohibited discharge standards, National Categorical Standards, and Local Limits established in Section 18.06.005 thru 18.06.007. Other Users shall be subject to prohibited discharge standards and Local Limits. Where these standards overlap, the most stringent standard shall apply to the User. The City may apply these standards to individual Non-Domestic discharges before they are commingled.

Section 18.06.005 Prohibited Discharge Standards

(a) General Prohibitions

A User may not discharge to the POTW any material which causes Pass-Through or Interference.

(b) Specific Prohibitions

The following shall not be discharged to the POTW:

- cup
60
or test
- (1) Discharges which are capable of creating a fire or explosion hazard in the POTW. These discharges include, but are not limited to, discharges with a closed flashpoint of less than one hundred forty degrees Fahrenheit (140° F) or degrees Centigrade (60° C), as determined by Approved Test Procedures methods specified in 40 CFR 261.21.
 - (2) Discharges which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.5 or greater than 9.5;
 - (3) Solids greater than one-half inch (0.5 inch or 1.5 centimeters) in any dimension or viscous substances capable of causing:
 - (A) Obstruction to the flow in sewers;
 - (B) Interference with the operation of treatment processes of facilities; or
 - (C) Excessive loading of treatment facilities;
 - (4) Non-polar FOG including petroleum distillates, petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, unless specifically authorized by the CA.
 - (5) Polar FOG, whether emulsified or not, or containing substances which:
 - (A) Are in a free-floating form;
 - (B) Are in a solid or semi-solid form or may solidify or become viscous at temperatures between thirty-two (32° F) and one hundred-fifty (150° F) degrees Fahrenheit; or
 - (C) Are in sufficient quantities to deposit in the collection system; or
 - (D) May Overload skimming and grease handling equipment.
 - (6) Liquid or vapor:
 - (A) Having a temperature higher than one hundred fifty degrees (150°) Fahrenheit,
 - (B) Which causes the temperature of the total POTW influent to increase at a rate of ten degrees (10°) Fahrenheit or more per hour,
 - (C) Which contains heat in amounts which will inhibit biological activity or cause Interference with the POTW,
 - (D) With heat in such quantities that the temperature at the headworks of the POTW exceeds one hundred-four degrees Fahrenheit (104°F) (40°C) without specific approval by the Approval Authority through the CA;

- (7) Discharges that contain any noxious or malodorous materials which can form a gas, which either singly or by interaction with other discharges, are capable of causing objectionable odors; or hazard to life; or creates any other condition deleterious to the POTW; or requires unusual provisions, attention, or expense to handle;
- (8) Discharges which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (9) Discharges of color which could interfere with treatment processes, or which cannot be removed by the treatment process, which consequently imparts excessive discoloration in the POTW effluent thereby violating the TPDES permit;
- (10) Discharges with unusual flow and concentration, including those with oxygen demanding materials, at a flow rate or concentration which will cause Interference with the POTW, or if such materials can cause damage to collection facilities, impair the treatment processes, incur excessive treatment cost, or cause the City be noncompliant with the conditions of its discharge permits;
- (11) Discharges classified by the TCEQ as hazardous waste under 30 TAC Chapter 335 without the written approval of the Director;
- (12) Discharges containing radioactive materials without the written approval of the City;
- (13) Hauled Wastes;
- (14) Wastes treated by a non-stationary treatment unit or mobile treatment unit, without the written approval of the City;
- (15) Wastewater causing, or which could cause, alone or in conjunction with other sources, the POTW's effluent to fail a toxicity test;
- (16) Storm water, surface water, ground water, contaminated ground water, artesian well water, roof runoff, and subsurface drainage unless specifically authorized by the Director; and
- (17) Detergents, surface-active agents, or other substance in concentrations that may cause excessive foaming in the POTW.

Section 18.06.006 National Categorical Standards

- (a) The National Categorical Standards apply to specific industrial subcategories under Title 40 of the Code of Federal Regulations, Chapter I, Subchapter N, "EPA Effluent

Guidelines and Standards," [Parts 405 – 471]. An Industrial User that falls into one of these subcategories shall be subject to the Pretreatment standards applicable to that subcategory and is classified as a Categorical Industrial User and thus is a Significant Industrial User.

- (b) Where a Categorical Pretreatment Standard is expressed in terms of either the mass or the concentration of a Pollutant in wastewater, the City may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- (c) When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Director shall impose an alternate limit using the combined waste stream formula in accordance with 40 CFR 403.6(e) or require the segregation of categorical and non-categorical waste streams.
- (d) The Director shall grant a User a variance from a Categorical Pretreatment Standard if the User can prove, pursuant to the procedural provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the Categorical Pretreatment standards.
- (e) The Director shall grant a User a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
- (f) The more stringent limitation of the following: Categorical Pretreatment Standards, or Local Limits shall be applied to a User's discharge.

Section 18.06.007 Local Limits

Local limits are quantitative limits on discharges applicable to all Users. Local limits are designed to meet the general and specific prohibitions in Subsections 18.06.005(a) and (b).

- (a) Local Limits are as follows:

Constituent*	Maximum Allowable Concentration in a Daily Composite, mg/L
Arsenic	0.43
Cadmium	0.09
Chromium	10.7
Copper	1.93
Cyanide	0.4
Lead	0.57
Manganese	52.7
Mercury	0.0**
Molybdenum	1.07
Nickel	3.69
Phosphorous	14.88

Selenium	0.17
Silver	0.71
Zinc	1.8

* Limits for metal based on unfiltered samples.

**Compliance shall be measured at the minimum analytical level (MAL) of 0.0002 mg/L.

(b) Case-by case Local Limits

Local limits that have not yet been established for a Pollutant may be developed on a case-by-case, user specific basis. A User shall have the case-by-case local limit(s) included in a permit before discharging to the POTW. The above limits apply at the point where the wastewater is discharged to the POTW.

- (c) If the Director determines that discharges of oil and grease from a User may be or are adversely impacting the POTW, in accordance with 40 CFR 403.5, the Director may impose an oil and grease limit. If adequate sampling facilities for oil and grease are not available, the City may require the user to install the facilities at the user's expense as specified in Section 18.06.011.

Section 18.06.008 Right of Revision

The City reserves the right to establish, by ordinance or by permit, more stringent standards or requirements on discharges to the POTW in order to accomplish the objectives set forth in Section 18.06.001 to ensure compliance with Federal, State, or local requirements.

Section 18.06.009 Dilution Prohibitions

- (a) No User shall ever add any material, either liquid or non-liquid, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the National Categorical Standards or Local Limits.
- (b) This prohibition does not include Dilution which is a normal part of the production process or a necessary part of the process to treat a waste, such as adding lime for neutralization or precipitation, or the mixture of compatible wastes in order to treat at capacity levels rather than treating wastes in small batches.
- (c) In order to accomplish the objectives set forth in Section 18.06.001 to ensure compliance with federal, state, and local requirements, the Director, at their discretion, may impose mass limitations on a User that is using Dilution to meet applicable Pretreatment standards or requirements or in cases where the imposition of mass limitations is appropriate.

Section 18.06.010 Requirements for Connection to POTW

- (a) Unless an exception is granted by the Director or authorized by TCEQ, the POTW shall be used by all persons discharging wastewater;

- (b) The City shall verify, prior to a User's Discharge, that wastes authorized to be discharged will receive suitable treatment within the provisions of federal, state, and local laws and regulations.
- (c) The User fees for the use of the POTW system are set forth in Appendix A Fee Schedule Article 8.000. These fees will cover operation and maintenance of the system and may also include costs to inspect and monitor the use of the system;
- (d) A User that discharges Non-Domestic wastewater or has the potential to discharge other chemicals or Pollutants shall install at the User's expense, a Control Point in the form of an accessible control manhole or inspection portal. Such Control Point shall comply with Section 18.06.011.

Section 18.06.011 Requirements for Control Point

- (a) Unless exempted by the Director, a User required to submit a completed wastewater discharge application, and others determined necessary because of special conditions specified by the Director, shall provide a sampling facility of types and at locations approved by the Director.
- (b) The Control Point must be designed to allow inspection, sampling, and flow measurement of the User's specific discharges and a sampling facility must allow collection in accordance with the requirements of 40 CFR Part 136.
- (c) The Control Point must be provided and maintained in a safe and operational condition at the User's expense and shall include security access requirements.
- (d) Except in cases where the location is impractical or would cause undue hardship to the User, as determined by the Director, a Control Point shall be located on the User's premises. In such cases where location is impractical or would cause undue hardship to the User, the Director may allow the Control Point to be constructed on a sidewalk or public street provided that the location will not be obstructed in any manner and such right is properly documented in a recorded easement..
- (e) Adequate room must be provided at or near the Control Point to allow accurate sampling and preparation of samples.
- (f) All Control Points shall be constructed in accordance with applicable City standards as stated herein this Article.
- (g) Construction of a Control Point shall be completed within a time period designated by the Director.

- (h) Failure to provide a proper Control Point shall be grounds for denial of a permit and/or enforcement action, including denial of the right to discharge to the POTW.
- (i) A User that is remodeling an existing lease space shall be required to install a Control Point inside the lease space and downstream of all connections if the User has the potential to discharge wastewater or a Pollutant to the POTW.

Section 18.06.012 Pretreatment of Wastewater

A User shall provide wastewater treatment as necessary to comply with this Article and shall achieve compliance with all Categorical Pretreatment Standards and Local Limits, and shall comply with all prohibitions set forth in this Article within the time frame specified by EPA, the state, or the City, whichever is more stringent.

Section 18.06.013 Pretreatment Unit Requirement

- (a) A User shall provide a Pretreatment unit if the unit is necessary in order to comply with;
 - (1) The Pretreatment standards in Sections 18.06.005 through 18.06.007;
 - (2) The prevention of a prohibited discharge from entering the POTW; or
 - (3) The control of the quantities and rates of discharge of non-Domestic Sewage into the POTW.
- (b) A User must install a separator, interceptor or trap if required by this Subsection.;
 - (1) A User shall install a grease trap or grease interceptor when deemed necessary by the Director for the proper handling of wastewater containing excessive amounts of FOG.
 - (2) A User shall install a sand/grit interceptor and/or a petroleum based oil/water separators when deemed necessary by the Director for the proper handling of wastewater containing excessive amounts of grease, oil or grit.
 - (3) A User with the potential to discharge a flammable substance may be required to install and maintain an approved combustible gas detection meter if determined necessary by the Director in order to accomplish the objectives set forth in Section 18.06.001 to ensure compliance with federal, state, and local requirements;
 - (4) A grease trap or grease interceptor shall not be required for property solely used for residential purposes.

- (c) The use of a biological or chemical substance alone is not considered adequate treatment for FOG and will not relieve the User of the requirement to install a grease trap or grease interceptor.

Section 18.06.014 Pretreatment Unit Approval

- (a) A User shall submit plans, specifications, operating procedures and any other pertinent information related to a proposed Pretreatment unit to the Director for acceptance prior to discharging.
- (b) A separator, interceptor or trap unit shall be of type and capacity approved by the Director to accomplish the objectives set for the in Section 18.06.001 to ensure compliance with federal, state, and local requirements.
- (c) Discharge through a Pretreatment unit shall not commence until the City has accepted the treatment facility or Pretreatment unit. This acceptance shall in no way relieve the User of the obligation to install, operate, maintain and, if necessary, modify the Pretreatment unit to maintain compliance with the Pretreatment Requirements;
- (d) A Pretreatment unit shall have an accessible entry so the City may efficiently and safely inspect and monitor the discharges from the unit.

Section 18.06.015 Pretreatment Unit Operation and Maintenance

- (a) A User shall verify effective operation of a Pretreatment unit regularly by:
 - (1) inspecting;
 - (2) cleaning;
 - (3) repairing as needed; and
 - (4) reporting to the Director any significant change in the physical description of the Pretreatment unit or method of operation prior to the initiation of the change.
- (b) A Pretreatment unit shall be cleaned as often as necessary to ensure that:
 - (1) sediment, solids, and floating materials do not accumulate to impair the efficiency of the unit;
 - (2) the discharge is in compliance with local discharge limits; and
 - (3) no visible FOG is observed in discharge.

- (c) A Pretreatment unit shall be operated and maintained in accordance with the manufacturer's recommendations and standards, unless specified in writing and approved by the Director.
- (d) A Pretreatment unit shall be operated and maintained in an efficient and safe manner by the User at the User's expense.
- (e) The Pretreatment unit shall be maintained so as to be accessible to the City for inspection and sampling.
- (f) A separator, interceptor or trap shall be fully evacuated unless the trap volume is greater than the tank capacity on the vacuum truck. If the tank cannot be fully evacuated then the transporter must arrange for additional transportation capacity so that the Pretreatment unit is fully evacuated within a 24-hour period.
- (g) Solid wastes generated from the operation of a Pretreatment unit shall be properly disposed of at a facility in accordance with federal, state, and local regulations.
- (h) A Pretreatment unit's operation and maintenance records shall be kept onsite and be accessible for the City to review.

Section 18.06.016 Additional Pretreatment Measures

- (a) Whenever deemed necessary to determine the User's compliance with the requirements of this Article, the Director may require the User to:
 - (1) restrict their discharge during peak flow periods;
 - (2) designate that certain wastewater be discharged only into specific sewers;
 - (3) relocate and/or consolidate points of discharge;
 - (4) separate sewage waste streams from regulated waste streams; and/or
 - (5) comply with additional conditions as may be necessary to protect the POTW.
- (b) The City may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow.

Section 18.06.017 Accidental Discharge / Slug Control Plans (ADSC Plan)

- (a) A User discharging nondomestic wastewater or the potential to discharge other Pollutants into the POTW, shall provide protection from the accidental discharge of prohibited wastes.

- (b) The Director shall evaluate whether each SIU requires an ADSC plan, or other action to control Slug Discharges, within one year of being designated an SIU. The City is required to keep records of the activities associated with slug control evaluation, and results of such activities shall be available to the Approval Authority upon request.
- (c) The Director may require any User to develop, submit for approval, and implement an ADSC plan or take such other actions that may be necessary to adequately control Slug Discharges to accomplish the objectives set forth in Section 18.06.001 and to ensure compliance with federal, state, and local requirements. Alternatively, the Director may develop such a plan for any User.
- (d) An ADSC plan shall, at a minimum, include the following:
 - (1) description of discharge practices, including non-routine batch discharges;
 - (2) description of stored chemicals;
 - (3) procedures for immediately notifying the POTW of intentional or accidental slug discharges, including any discharge that would violate a prohibition under Section 18.06.005 thru Section 18.06.007 as required under Section 18.06.042 "Reports of Potential Problems";
 - (4) procedure to submit a written notification of the discharge within five (5) days to the POTW; and
 - (5) procedures to prevent adverse impact from any accidental or Slug Discharge, including:
 - (A) inspection and maintenance of storage areas,
 - (B) handling and transfer of materials,
 - (C) loading and unloading operations,
 - (D) control of plant site runoff,
 - (E) worker training,
 - (F) building of containment structures or equipment,
 - (G) measures for containing toxic organic Pollutants, including solvents,
 - (H) measures and equipment for emergency response, and
 - (I) any other procedures deemed necessary by the Director to prevent accidental discharges or Slug Discharges from entering the POTW.
- (e) A User who has a City approved ADSC plan shall:
 - (1) notify the City of any changes to the plan within thirty (30) days of revision;
 - (2) submit revised ACSD plan within 30 days after completed revisions;

- (f) Review and approval of an ADSC plan shall not relieve the User from any responsibility associated with an accidental/Slug Discharge including modifying the facility to meet requirements of this Article.
- (g) When deemed necessary by the Director because of a reasonable risk of an accidental or Slug Discharge, a notice shall be permanently posted in conspicuous places on the User's premises advising employees who to call in the event of a slug or accidental discharge. An employer shall instruct all employees who may cause or discover a discharge of the emergency notification procedures.

Section 18.06.018 Hauled Wastes

- (a) Hauled Waste shall not be discharged to the POTW per Section 18.06.005(b)(13).
- (b) Discharge of wastewater or Pollutants from a vacuum or similar truck, into a manhole, cleanout, or customer's facilities or connection is strictly prohibited.

Section 18.06.019 Significant Industrial Users Delisting

- (a) The Director shall have the option to delist an IU from the Significant Industrial User if the IU does not meet the definition of a Significant Industrial User.
- (b) Any IU that has been listed as a SIU may petition the Director to remove it from the SIU list and reclassified as non-significant on the grounds that it no longer meets the definition of Significant Industrial User.
- (c) The City will notify the Approval Authority in writing prior to delisting an IU who has been listed as an SIU by the City.

REQUIREMENT FOR WASTEWATER DISCHARGE PERMIT APPLICATION

Section 18.06.020 Requirement to complete Utility Connection Survey

- (a) The City shall provide a new or existing User a utility connection survey form to determine a user classification concerning the User's potential Non-Domestic wastewater discharges to the POTW.
- (b) The Director shall review the utility connection survey form submitted by a User of the POTW and determine the user classification for the User. A User with the potential to be an SIU in the opinion of the City, based on the information provided in the utility connection survey and the definition of Significant Industrial User, may be required to complete a wastewater discharge permit application.

- (c) Submittal of completed utility connection survey does not excuse the User from being required to complete a wastewater discharge permit application form.
- (d) The City may deny a User a certificate of occupancy or construction permit approval if the User Connection Survey form is found to be incomplete or inaccurate.
- (e) The City may deny a User a certificate of occupancy or construction permit approval, if the user connection survey form indicates the User has the potential to be a Significant Industrial User and therefore is required to complete a wastewater discharge permit application form as required in Section 18.06.022.

Section 18.06.021 Wastewater Analysis

When requested by the City, a User shall submit information on the nature and characteristics of its wastewater within ninety (90) days of the request. The City is authorized to prepare a form for this purpose and may periodically require Users to update this information.

Section 18.06.022 Applicability of Wastewater Discharge Permit Application

- (a) The following Users shall complete a wastewater discharge permit application and provide information necessary to evaluate discharges to the POTW and satisfy EPA requirements:
 - (1) Significant Industrial Users:
 - (A) New SIU to POTW; and
 - (B) Existing SIU whose wastewater discharge permit application date is over four (4) years old;
 - (2) An existing User who proposes to implement process changes or other significant changes that will result in a changing of their User classification to an SIU including any potential operation identified in Section 18.06.006 "National Categorical Standards"; and
 - (3) Any other User connected to the POTW, which in the opinion of the City will require a wastewater discharge permit to accomplish the objectives set forth in Section 18.06.001 and to ensure compliance with federal, state, and local requirements .
- (b) These entities shall obtain a wastewater discharge permit from the City prior to discharging non-Domestic Sewage to the POTW. Wastewater discharge permit applications shall be submitted to the Director prior to permit issuance.
- (c) Either the owner or operator of a User's facility shall submit the wastewater discharge permit application.

Section 18.06.023 Wastewater Discharge Permit Application Submittal Time Frames

- (a) No SIU shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the City, except that a SIU that has filed a timely wastewater discharge permit application pursuant to Section 18.06.023(b) may continue to discharge for the time period specified therein.
- (b) If an SIU is currently operating under a wastewater discharge permit issued by the City and is discharging wastewater into the POTW prior to the effective date of this Article and wishes to continue such discharges in the future, the SIU shall, within ninety (90) days after the effective date of this Article, or for a shorter time period if allowed by the Director, submit a revised wastewater discharge permit application in accordance with Section 18.06.024, and shall not cause or allow discharges to the POTW to continue within one hundred eighty (180) days of the effective date of this Article, except in accordance with a wastewater discharge permit reissued by the City.
- (c) An existing SIU or other existing User, newly identified by the City that may require a wastewater discharge permit, shall submit a wastewater discharge permit application within one hundred twenty (120) days of the effective date of this Article. An existing User shall be allowed to discharge non-Domestic Sewage without a permit until the City has issued the User a permit, if the User has submitted a wastewater discharge permit application within the applicable time period.
- (d) A User that has a significant change to its operation (e.g. additional waste streams, increased discharge volume, additional or increased Pollutants, addition of a categorical waste stream, etc.) that causes its wastewater discharge permit application filed with the City to be inaccurate, shall submit a wastewater discharge permit application within one hundred eighty (180) days of proposed change in operation.
- (e) A new User required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit must be filed at least one hundred eighty (180) days prior to the date upon which any discharge will begin or recommence for an SIU. An application required for other users must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

Section 18.06.024 Wastewater Discharge Permit Application Requirement

A User required to have a wastewater discharge permit shall submit a completed wastewater discharge permit application form provided by the City. The following information shall be submitted as a part of the wastewater discharge permit application:

- (a) information, in part or whole, as required by Section 18.06.037;
- (b) identifying information of facility, including:
 - (1) the name of the facility;

- (2) the address of the facility;
- (3) the operator and owner of the facility;
- (4) the contact for the facility;
- (c) description of activities, including:
 - (1) Standard Industrial Classification Code (SIC);
 - (2) North American Industry Classification System (NAICS);
 - (3) facilities description and operational processes on the premises including;
 - (A) each product produced by type;
 - (B) the amount of each product produced;
 - (C) the process to produce each product;
 - (D) the rate of production for each product; and
 - (E) the average rate of production for each product.
 - (4) a list of all raw materials and chemicals onsite to be discharged to the POTW;
 - (5) a list of all raw materials and chemicals onsite that have the potential to spill;
 - (6) a list of solid or hazardous waste to be generated;
 - (7) the number of employees or contractors on site;
 - (8) the hours of operation;
 - (9) the proposed or actual hours of operation; and
 - (10) plans that show details of all sewer lines and connections, floor drains, and appurtenances by size and location, and all points of discharge such as:
 - (A) site plans;
 - (B) floor Plans;
 - (C) mechanical Plans;
 - (D) plumbing Plans;
 - (E) a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes; and
 - (F) the location for monitoring all wastes covered by the permit;
 - (11) flow measurement information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 18.06.06(c);

- (12) the time and duration of the wastewater discharge;
- (13) a statement as to whether or not discharges from the significant Industrial User will be in compliance with the conditions of this Article;
- (14) if Pretreatment and/or operational and maintenance activities will be required to comply with the conditions of this Article, the user shall provide:
 - (A) detailed plans showing the Pretreatment facilities and operating procedures for the City to review prior to construction of the facilities; and
 - (B) the review of such plans and operational procedures will in no way relieve the user of modifying the facilities or procedures as necessary to produce an effluent which is in compliance with the requirements of this Article;
- (15) declaration of the shortest schedule by which the Pretreatment facilities will be built or operational changes implemented. Increments of progress, including completion of major events leading to final compliance, shall be included. No increment shall exceed nine (9) months;
- (d) a list of any environmental control permits held by or for the facility; and
- (e) any other information or requirements as may be deemed necessary by the City to evaluate the wastewater discharge permit application.

Section 18.06.025 Review of Permit Application and Utility Connection Survey

- (a) The City reserves the right to take the following time periods from the receipt of the completed wastewater discharge permit application to review the application information to determine the conditions which must be met prior to discharge:
 - (1) new Users – thirty (30) days;
 - (2) SIU – one hundred eighty (180) days;
 - (3) existing User change to IU or SIU – one hundred eighty (180) days;
- (b) A Utility Connection Survey shall be reviewed on a schedule determined by the Director.
- (c) The Director reserves the right to request additional information from a User to ensure the user connection survey or wastewater discharge permit application is accurate. The Director may require additional time to review additional or resubmitted information once the new or revised information is submitted.

Section 18.06.026 Wastewater Discharge Permit Application Signatures

- (a) All wastewater discharge permit applications, user reports and certification statements shall be signed by an Authorized Representative and contain the certification statement in Section 18.06.050.
- (b) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section, shall be submitted to the City prior to or together with any reports to be signed by an Authorized Representative.

Section 18.06.027 Wastewater Discharge Permit Decisions

- (a) The City will evaluate the wastewater discharge permit application submitted by the User in the time frame specified in Section 18.06.025 and may request additional information to complete the review to accomplish the objectives set forth in Section 18.06.001 and to ensure compliance with federal, state, and local requirements.
- (b) The City shall deny any application for a wastewater discharge permit which requests new or increased Non-Domestic discharges or potential discharges to the POTW(s) which does not meet the objectives set forth in Section 18.06.001 and Pretreatment Requirements or would cause the City to be noncompliant with the conditions of the POTW's discharge permit or for which a permit is no longer required.
- (c) Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state Pretreatment Standards or Pretreatment Requirements or with any other requirements of federal, state, and local law.
- (d) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Article and subjects the wastewater discharge permittee to the sanctions set out in Sections 18.06.056 through 18.06.070.

Section 18.06.028 Wastewater Discharge Permit Applicability

- (a) The following Users shall be required to obtain a wastewater discharge permit:
 - (1) Significant Industrial User; and
 - (2) any other User connected to the POTW, which in the opinion of the City, requires a permit to carry out the purposes of this Article.
- (b) A person shall obtain a wastewater discharge permit from the City prior to discharging non-Domestic Sewage to the POTW, unless such person is otherwise allowed to discharge into the POTW pursuant to Section 18.06.023.
- (c) A User required to obtain a wastewater discharge permit shall complete a wastewater discharge permit application as required in Section 18.06.024.

Section 18.06.029 Wastewater Discharge Permit Duration

A wastewater discharge permit;

- (a) shall not be issued for a duration greater than five years;
- (b) may be issued for less than a five year duration at the discretion of the City to accomplish the objectives set for the in Section 18.06.001 and to ensure compliance with federal, state, and local requirements; and
- (c) shall indicate a specific date upon which it will permit be;
 - (1) issued;
 - (2) effective; and
 - (3) expired.

Section 18.06.030 Wastewater Discharge Permit Contents

- (a) A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director to prevent Pass Through or Interference, protect the quality of the water body receiving the treated effluent from the POTW(s), safeguard worker health and safety, facilitate sludge management and disposal, protect against damage to the POTW(s), and maintain reuse alternatives.
- (b) A Wastewater discharge permits shall contain, and the permittee shall approve and consent to, at a minimum, the following conditions:
 - (1) a statement that the wastewater discharge permit is not transferable without prior notification to the City in accordance with Section 18.06.032, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - (2) limits on the volume and quality of sewage, wastewater, and Pollutants discharged based on the Pretreatment Standards;
 - (3) requirements for the installation of Pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of Pollutants into the POTW;
 - (4) self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of Pollutants (or Best Management Practices) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;
 - (5) effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;

- (6) limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (7) requirements for notifications, reports, and record keeping;
- (8) a statement of applicable civil and criminal penalties for violation of Pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines;
- (9) a statement requiring that all reports contain the certification statement at 40 CFR 403.6(a)(2);
- (10) conditions and compliance schedule necessary to achieve compliance with the Pretreatment Requirements, as applicable;
- (11) requirements for installation and the maintenance of a Control Point, inspection and sampling facilities, and equipment, including flow measurement devices;
- (12) right of entry and search warrants and other remedies as provided herein;
- (13) requirements to submit, update and implement an ADSC plan or other special conditions including Best Management Practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges if determined by the City to be applicable;
- (14) a statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit;
- (15) development and implementation of waste minimization plans to reduce the amount of Pollutants discharged to the POTW; and
- (16) any other conditions necessary to ensure compliance with the Pretreatment Requirements, and other federal, state and local requirements.

Section 18.06.031 Wastewater Discharge Permit Modifications

- (a) The Director may modify a wastewater discharge permit to accomplish the objectives set for the in Section 18.06.001 and to ensure compliance with federal, state, and local requirements, which may, include the following:

- (2) to address significant alterations or additions to the permittee's operations, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
 - (3) a change in the POTW that requires a temporary or permanent reduction or elimination of the authorized discharge;
 - (4) information indicating that the permitted discharge poses a threat to the POTW's sludge disposal, personnel, reuse alternatives or the receiving stream;
 - (5) violation of any terms or conditions of the wastewater discharge permit;
 - (6) misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
 - (7) revisions of or a grant of a variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13;
 - (8) to correct typographical or other errors in the wastewater discharge permit; or
 - (9) to reflect a transfer of the facility ownership or operation to a new owner or operator allowed under the conditions of this Article;
- (b) A permittee is responsible for notifying the Director of significant changes to its flow, Pollutant discharges, categorical status, or other conditions which may result in the need for permit modifications. The permittee shall obtain approval from the City prior to making these additions or changes to the discharge. Approval shall be given by the Director by a modification, or revocation and re-issuance of the permit.

Section 18.06.032 Wastewater Discharge Permit Transfer

A wastewater discharge permit may be transferred to a new user if:

- (a) the current permittee gives notice to the City which meets the following:
 - (1) the notice is given to the City at least thirty (30) days prior to the transfer;
 - (2) the notice is in writing which contains at a minimum;
 - (A) a certification by the new User which states that the new User has no intent to change the facility's operations and processes at the time of the transfer of ownership;
 - (B) identifies the specific date on which the transfer is to occur; and
 - (C) acknowledges full responsibility for complying with the existing wastewater discharge permit. and
- (b) the Director approves the wastewater discharge permit transfer.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of the property transfer.

Section 18.06.033 Wastewater Discharge Permit Revocation

- (a) The Director may revoke a wastewater discharge permit to accomplish the objectives set for the in Section 18.06.001 and to ensure compliance with federal, state, and local requirements, which may include the following reasons:
 - (1) failure to provide prior notification to the City of significant changes to the permittee's discharges;
 - (2) failure to provide prior notification to the City of changed conditions as defined in Section 18.06.041;
 - (3) misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - (4) falsification of self-monitoring reports;
 - (5) tampering with monitoring equipment;
 - (6) refusing to allow the City timely access to the permittee's premises and records;
 - (7) failure to meet effluent limitations;
 - (8) failure to pay fines;
 - (9) failure to pay sewer charges;
 - (10) failure to meet compliance schedules;
 - (11) failure to complete a wastewater discharge application;
 - (12) failure to provide advance notice of the transfer of business ownership of a permitted facility;
 - (13) violation of any Pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Article; and
 - (14) cessation of operations.
- (b) If the City determines that there is sufficient cause to revoke a permit, the permittee will be notified and offered the opportunity to show cause under the conditions of this Article why the proposed action should not be taken;

- (c) All prior wastewater discharge permits issued to a particular User are void upon the issuance of a new wastewater discharge permit to that User.

Section 18.06.034 Wastewater Discharge Permit Reissuance

A permittee with an expiring wastewater discharge permit shall:

- (a) Apply for a wastewater discharge permit reissuance by:
 - (1) submitting a completed wastewater discharge application, in accordance with Section 18.06.024 to the City, and
 - (2) submitting a wastewater discharge application at least ninety (90) days prior to the expiration of the existing wastewater discharge permit.
- (b) The Director may require the permit application to be submitted in less than ninety (90) due to accomplish the objectives set for the in Section 18.06.001 and to ensure compliance with federal, state, and local requirements.

Section 18.06.035 Regulation of Waste Received from other Jurisdictions

- (a) If another municipality, or User located within another municipality, contributes wastewater to the POTW, the City shall enter into an interlocal agreement with the contributing municipality;
- (b) Prior to entering into an agreement required by Subsection (a) above, the Director shall request the following information from the contributing municipality:
 - (1) a description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - (2) an inventory of all Users located within the contributing municipality that are discharging to the POTW; and
 - (3) such other information as the Director may deem necessary to accomplish the objectives set for the in Section 18.06.001 and to ensure compliance with federal, state, and local requirements.
- (c) An interlocal agreement, as required by Section 18.06.035(a) shall contain the following conditions:
 - (1) a requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this Article and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 18.06.037. The requirement shall specify that such ordinance and

limits must be revised as necessary to reflect changes made to this Article or Local Limits;

- (2) a requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
- (3) a provision specifying which Pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the City; and which of these activities will be conducted jointly by the contributing municipality and the City;
- (4) a requirement for the contributing municipality to provide the City with access to all information that the contributing municipality obtains as part of its Pretreatment activities;
- (5) limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- (6) requirements for monitoring the contributing municipality's discharge;
- (7) a provision ensuring the City's access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the City; and
- (8) a provision specifying remedies available for breach of the terms of the inter-municipal agreement.

Section 18.06.036 Removal Credits

- (a) The City may, at his discretion, grant removal credits to a categorical user to reflect removal by the POTW of materials specified in the National Categorical Standards. The City may grant a removal credit equal to or, at his discretion, less than the POTW's consistent removal rate. Removal credits may only be given for indicator or surrogate materials regulated in a National Categorical Standard if the standard so specifies;
- (b) A User shall submit a removal credit application to the City. Written approval by the City shall be obtained prior to taking the removal credit. Application shall be made on a standard form provided by the City;
- (c) The City has the right to grant removal credits only after meeting the requirements of the General Pretreatment Regulations.

REPORTING REQUIREMENTS

Section 18.06.037 Baseline Monitoring Report

Categorical Industrial Users (CIUs) shall submit baseline monitoring reports in accordance with the General Pretreatment Regulations.

(a) Within either one hundred eighty (180) days after the effective date of the Categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing CIUs currently discharging to or scheduled to discharge to the POTW shall submit to the City a report which contains the information listed in Subsection (b) below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become CIUs subsequent to the promulgation of an applicable categorical standard, shall submit to the Director a report which contains the information listed in Subsection (b) below. A New Source shall report the method of Pretreatment it intends to use to meet applicable categorical standards. A New Source also shall give estimates of its anticipated flow and quantity of Pollutants to be discharged.

(b) Categorical Industrial Users shall submit the following:

- (1) Identifying Information - The name and address of the facility, including the name of the operator and owner;
- (2) Environmental Permits - A list of any environmental control permits held by or for the facility;
- (3) Descriptions of Operations - A brief description of the nature, average rate of production, and Standard Industrial Classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes;
- (4) Flow Measurement - Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated streams and other streams, as necessary, to allow use to the process combined waste stream formula;
- (5) Measurement of Pollutants - The Categorical Pretreatment Standards applicable to each regulated process. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the City, of regulated Pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be collected and analyzed in accordance with procedures set out in 40 CFR 136. In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the City or the applicable Standards to determine compliance with the Standard; and

- (6) Signature and Certification - All baseline monitoring reports must be signed and certified in accordance with 40 CFR 403.6 (a)(2)(ii). This statement must be reviewed by an Authorized Representative of the IU and certified by a qualified professional, indicating whether Pretreatment standards are being met on a consistent basis.

Section 18.06.038 Compliance Schedule Progress Reports

- (a) Should additional Pretreatment or operation and maintenance be required to meet Pretreatment standards, the Director shall have the authority to issue a compliance schedule. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment facilities required for the User to meet the applicable Pretreatment requirements. Notwithstanding the forgoing, no increment shall exceed nine (9) months.
- (b) The User shall submit a progress report to the City no later than fourteen (14) days following each date in the schedule and the final date of compliance. This report shall include as a minimum, whether the User complied with the progress increments, reasons for any delays, and steps being taken by the User to return to the established schedule.

Section 18.06.039 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment standards and requirements shall submit to the City a report containing the information described in Section 18.06.024 herein. For Users subject to equivalent mass or concentration limits established in accordance with 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable Pollutant discharge per unit of production this report shall include the user's actual production during the appropriate sampling period. In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the City or the applicable Standards to determine compliance with the Standard. All compliance reports must be signed and certified in accordance with 40 CFR 403.6(a)(2). Categorical users shall submit reports in accordance with the General Pretreatment Regulations on compliance schedule progress, compliance with Categorical Pretreatment Standard deadlines, and continued compliance with Categorical Pretreatment Standards.

Section 18.06.040 Periodic Compliance Reports

- (a) An SIU shall, at a frequency determined by the City to accomplish the objectives set for the in Section 18.06.001 and to ensure compliance with federal, state, and local requirements, but in no case less than twice per year, submit a report indicating the nature and concentration of Pollutants and the estimated or measured daily maximum and average flows of the discharges to which Pretreatment requirements are applicable for the reporting period. In cases where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the User must submit documentation required by the City or the Pretreatment Standard necessary to determine the compliance status of the User. All periodic reports must be complete, signed and certified in accordance with 40 CFR 403.6(a)(2)(ii);
- (b) If a User subject to the reporting requirements of this section monitors any Pollutant more frequently than required by the City, using procedures prescribed in Section 18.06.046, the results of this monitoring shall be included in the report;
- (c) Where a Pretreatment Standard or wastewater discharge permit requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the City or the applicable Pretreatment Standard to determine compliance with the Standard or the wastewater discharge permit.

Section 18.06.041 Reports of Changed Conditions

- (a) Each User must notify the Director in writing of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.
- (b) The Director may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 18.06.024.
- (c) The City may issue a wastewater discharge permit under Section 18.06.030 or modify an existing wastewater discharge permit under Section 18.06.031 in response to changed conditions or anticipated changed conditions.

Section 18.06.042 Reports of Potential Problems

An SIU is required to notify the Director in writing immediately of any changes at its facility affecting the potential for an accidental spill and or Slug Discharge.

Section 18.06.043 Unpermitted and Additional Permitted User Reports

To accomplish the objectives set for the in Section 18.06.001 and to ensure compliance with federal, state, and local requirements, the Director may require a User discharging Non-Domestic wastewater or the potential to discharge Pollutants into the POTW, to submit reports that are necessary to assess and assure compliance with the requirements of this Article.

Section 18.06.044 Notice of Violation /Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the Director within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation. Where the City has performed the sampling and analysis in lieu of the Industrial User, the City must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis.

Re-sampling by the Industrial User is not required if the City performs sampling at the User's facility at least once a month, or if the City performs sampling at the User's facility between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling.

Section 18.06.045 Notification of Discharge of Hazardous Waste

Hazardous wastes shall not be discharged to the POTW:

- (a) In quantities in excess of fifteen (15) kilograms per calendar month or in quantities in excess of those specified in 40 CFR 261.30(d) and 261.33(e);
- (b) If the waste is an acute hazardous waste as defined by 40 CFR 261.30(d) and 261.33(e);
- (c) Unless the user first submits all information necessary for the Director to make a decision and the User agrees to all conditions necessary to ensure the accomplishment of the objectives set forth in the Article;
- (d) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Director, the EPA Regional Waste Management Waste Division Director, and TCEQ hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations;
- (e) In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical;
- (f) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Article, a permit issued thereunder, or any applicable federal or state law.

Section 18.06.046 Analytical Requirements

- (a) All Pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable

Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures required by the Director, to accomplish the objectives set for the in Section 18.06.001 and to ensure compliance with federal, state, and local requirements, or other parties approved by EPA.

- (b) Non-detectable sample results may only be used as a demonstration that a Pollutant is not present if the EPA approved method from 40 CFR part 136 with the lowest minimum detection level for that Pollutant was used in the analysis.
- (c) To accomplish the objectives set for the in Section 18.06.001 and to ensure compliance with federal, state, and local requirements, the Director shall have the right to require a User to submit quality control analyses performed in conjunction with any analysis submitted as required by this Article or by a wastewater discharge permit. If quality control information is not available or does not meet the criteria specified in the approved technique, the submitted data can be rejected and the User required to resubmit samples for analysis;
- (d) All analyses performed under the methods specified in 40 CFR Part 136 and required by this Article or wastewater discharge permit must be submitted to the Director. Failure to report valid data required by the City will be considered a violation of this Article.

Section 18.06.047 Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- (a) Except as indicated in Section b and c below, the User must collect wastewater samples using 24-hour flow proportional Composite Sampling techniques, unless time proportional Composite Sampling or Grab Sampling is authorized by the City. Where time proportional Composite Sampling or Grab Sampling is authorized by the City, the samples must be representative of the discharge and the decision to allow the alternative sampling (or site specific circumstances) must be documented in the IU file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple Grab Samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Total residual chlorine, pH, and temperature samples shall not be "composited" under any circumstances. Composite Samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be

authorized by the City as appropriate. In addition, Grab Samples may be required to show compliance with Instantaneous Limits.

- (b) Users must obtain samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds using grab collection techniques.
- (c) For sampling facilities that discharge less than 24-hours per day, Users shall provide the sampling representative of the IU's wastewater discharge:
 - (1) Sampling must be taken within a 24-hour period, however, the sample should only be collected during that portion of the 24-hour period that the IU is discharging from the:
 - (A) regulated process and/or
 - (B) pretreatment unit (as long as regulated process wastewater is flowing through the pretreatment unit)
 - (2) During parts of the day when there is no discharge of process wastewater, standing water should not be disproportionately sampled and analyzed as it would not be representative of the discharge from the IU
- (d) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 18.06.037, a minimum of four (4) Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the City may authorize a lower minimum. For the reports required by paragraphs Section 18.06.037, the Industrial User is required to collect the number of Grab Samples necessary to assess and assure compliance by IUs with applicable Pretreatment Standards and Requirements. The City is required to document how alternate sampling techniques are representative of the discharge. The City is authorized to require that more than four Grab Samples be taken and separately analyzed to ensure that sampling is representative.
- (e) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

Section 18.06.048 Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date received by the Director.

Section 18.06.049 Record Keeping

- (a) Each User shall retain, preserve, and make available for inspection and copying, all records of information, written and electronic, obtained pursuant to any monitoring, sampling, analysis and permit requirement activities required by this Article and additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, as well as retaining documentation of compliance associated with BMP requirements.
- (b) Records shall include the date, exact place, method, and time of the sampling and the name of the person(s) taking the sample; dates analyses were performed; the name of the person who performed the analyses; the analytical techniques or methods used; and the results of the analyses.
- (c) Records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User of the City, or where the User has been specifically notified of a longer retention period by the City.

Section 18.06.050 Certification Statements

- (a) The certification statement in Section 18.06.050(b) is required to be signed and submitted with the following documents:
 - (1) the wastewater discharge permit application in accordance with Section 18.06.024;
 - (2) a baseline monitoring report if required by Section 18.06.037,
 - (3) a report on compliance with the Categorical Pretreatment Standard deadlines if required by Section 18.06.039;
 - (4) a periodic compliance report if required by Section 18.06.040;
 - (5) any other document the City deems necessary to accomplish the objectives set forth in Section 18.06.001 and to ensure compliance with federal, state, and local requirements;
- (b) The following certification statement must be signed by an Authorized Representative as defined in Section 18.06.003:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

COMPLIANCE MONITORING

Section 18.06.051 User Required Sampling

Users shall comply with the monitoring, sampling, and analyzing provisions set forth below.

- (a) Minimum Monitoring Requirements;
 - (1) An SIU shall be required to self-monitor to meet, at a minimum, the requirements of the General Pretreatment Regulations.
 - (2) The City may increase the frequency and/or add parameters to a User's self-monitoring program or the City's independent monitoring program to ensure compliance with the Pretreatment Requirements.
- (b) Sampling and Analysis;
 - (1) An SIU shall meet the requirements of the General Pretreatment Regulations for sampling and analysis.
 - (2) Other Users shall meet the requirements for sampling and analysis as stated herein or in the User's discharge permit or compliance schedule.
- (c) Wastewater shall be sampled and collected as required in Section 18.06.046 and Section 18.06.047.

Section 18.06.052 Right of Entry – Inspection and Sampling

- (a) The City or his duly authorized representative, federal and state officials, upon presentation of credentials and other documentation as may be required by law, shall be permitted to gain access to such properties at least once per year and, as may be necessary for the purpose of inspection, observation, sampling, set up and use of monitoring equipment, and inspection and copying of records having a direct bearing on the discharges of non-Domestic Sewage and to determine whether the User is complying with all requirements of federal law, state law, this Article, a wastewater discharge permit or order issued hereunder.
- (b) A User shall make necessary arrangements with its security operation so that, upon presentation of suitable identification, the City will be permitted to enter without delay for the purposes of determining compliance with this Article.
- (c) The owner or person in charge of any property used for any public, commercial, or industrial purpose shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of additional duties.

- (d) The City shall have the right to set upon the User's property such devices as are necessary to conduct sampling and/or metering of the User's operations.
- (e) The City may require the User to install monitoring and sampling equipment as necessary. This equipment shall be maintained in a safe and proper operating condition by the User at the User's expense;
- (f) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the City and shall not be replaced. The costs of clearing such access shall be born by the User.
- (g) Unreasonable delays in allowing the City access to the User's premises shall be a violation of this Article. The City may obtain a search warrant to secure access to facilities/property.
- (h) The City may use an independent contractor to conduct the independent monitoring by the City.

Section 18.06.053 Flow Measurement

- (a) The volume of flow discharged to the POTW by a User shall be based upon metered water consumption as shown by the meter readings maintained by the City.
- (b) Any SIU or other User as deemed necessary by the City, who procures any or all of its water from an auxiliary sources other than the City and all or part of which is discharged into the POTW, and who does not have an effluent meter, shall install and maintain at the User's expense, a water meter at each auxiliary water source.
- (c) Where it can be shown to the satisfaction of the City that a substantial portion of the water, as measured by the User's meter, does not enter the POTW, the City may permit or require the installation of additional meters in a manner as to measure the actual wastewater volume entering the POTW; and such cost of installation shall be at User's expense.
- (d) A non-City maintained meter used to measure wastewater to the POTW shall meet the following criteria:
 - (1) be of a type approved by the City to accomplish the objectives set forth in Section 18.06.001 and to ensure compliance with federal, state, and local requirements;
 - (2) be installed at the User's expense;
 - (3) be maintained at the User's expense;
 - (4) record the monthly usage in writing by the User;

- (5) have the meter tested for calibration at the User's expense at a frequency designated by the City to accomplish the objectives set forth in Section 18.06.001 and to ensure compliance with federal, state, and local requirements;
- (6) have the meter usage report, calibration data, and meter(s) available for inspection by the City.

Section 18.06.054 Search Warrants

If User refuses the City access to a building, structure, or property, or any part thereof, used for public, commercial, or industrial purposes and the City is able to demonstrate probable cause to believe that there may be a violation of this Article or that there is a need to inspect and/or sample as a part of the routine inspection and sampling program of the City designed to verify compliance with this Article or any permit or order issued hereunder, the City may seek issuance of an administrative search warrant from the Municipal Court of Cedar Park or any magistrate or judge of a court of record who shall issue such administrative search warrant. This section is cumulative of all other authority.

Section 18.06.055 Confidentiality

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, monitoring programs, and from the City inspection and sampling activities shall be available to the public in accordance with the Texas Public Information Act and after notice to User.

ADMINISTRATIVE ACTIONS AND ENFORCEMENT REMEDIES:

Section 18.06.056 Authority to Disconnect Sewer Service (Emergency Suspensions)

- (a) The City shall have the right to disconnect a User's sewer service when a User's discharge reasonably appears to:
 - (1) Damage sewer lines or POTW treatment processes;
 - (2) Cause accelerated deterioration of the POTW structures;
 - (3) Cause the City to be noncompliant with the conditions of its TPDES permit;
 - (4) Present an endangerment to the environment or threatens to interfere with the operation of the POTW;
 - (5) Present an imminent endangerment to the health or welfare of persons; or
 - (6) Discharge at an uncontrolled, variable rate sufficient to cause an imbalance in the treatment system;

- (b) The City shall have the right to disconnect service if a customer fails to pay monthly bills for service when due;
- (c) In the case of an imminent endangerment to the health or welfare of persons, the City shall provide written notice, as early as is practicable, to a User in conjunction with disconnecting sewer service. Under all other conditions for disconnection, the City shall give written notice to a User before disconnection. Within ten (10) days after receipt of notification of disconnection, the User must submit a written response to the City with an explanation of the cause of the problem and what measures have and will be taken to prevent any future occurrence. Submission of this response in no way relieves the User of liability for any violations occurring before or after receipt of the notice of disconnection;
- (d) The User's sewer shall remain disconnected until such time that the User has demonstrated that the cause of this noncompliance has been eliminated;
- (e) The City shall not be liable for any resulting damage to the User's property as a result of disconnection under the conditions for disconnection.

Section 18.06.057 Termination of Permit

A User that violates any of the following conditions may be subject to permit termination:

- (a) Failure to report a reasonable estimate of the volume and quality of its Non-Domestic sewage;
- (b) Failure to notify the City of a change in process or operation which would significantly change the nature or increase the quantities of materials discharged to the POTW that would cause the user to be noncompliant with its discharge permit requirements or the Pretreatment Requirements;
- (c) Refusal of right of entry to the User's premises in accordance with Section 18.06.052 of this Article;
- (d) Intentional violation of permit conditions;
- (e) Falsifying information;
- (f) Failure to pay sewer charges or fines;

The use of this option shall not be a bar against, or a prerequisite for, the City taking other action against the User.

JUDICIAL ENFORCEMENT REMEDIES

Section 18.06.058 Injunctive Relief

Pursuant to Texas Local Government Code Section 54.016, the City may seek injunctive relief to restrain or compel actions of a User.

Section 18.06.059 Civil Penalties

- (a) Pursuant to Texas Local Government Code Section 54.017, the City may recover a civil penalty if after the User received notice of this Article, the User violates this Article or fails to take action necessary for compliance with this Article.
- (b) The City has the right to assess the civil penalty of one thousand dollars (\$1,000) a day for each violation of this Article by the User, and up to five thousand dollars (\$5,000) a day for a violation of this Article relating to point source effluent limitations or the discharge of a Pollutant, other than from a non-point source, into the POTW.

Section 18.06.060 Criminal Prosecution

A User who negligently violates any provision of this Article shall, upon conviction, be guilty of a class-c misdemeanor, punishable by a fine of not more than \$ 2,000 per violation. Each day any violation of this Article continues shall constitute a separate offense.

Section 18.06.061 Remedies Nonexclusive

The remedies provided for in this Article are not exclusive. The City may take any, all, or any combination of these actions against a noncompliant User. Enforcement of a Pretreatment violation will generally be in accordance with City's enforcement response plan. However, the City may take other action against any User when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant User.

Section 18.06.062 Publication of Users in Significant Noncompliance

- (a) The POTW shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by in the municipality where the POTW is located, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements;
- (b) The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (3), (4), or (8) below) and shall mean:
 - (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more all the measurements taken for the sample Pollutant parameter taken during a six (6) month period exceed by any magnitude,

a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 18.06.005 through Section 18.06.007;

- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each Pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limit, as defined in Section 18.06.005 through Section 18.06.007 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other Pollutants except pH);
- (3) Any other violation of a Pretreatment Standard or Requirement as defined in Section 18.06.005 thru Section 18.06.007 (daily maximum, long-term average, Instantaneous Limit, or narrative standard) that the City determines has caused, alone or in combination with other discharges, Interference or Pass -Through, including endangering the health of POTW personnel or the general public;
- (4) Any discharge of a Pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation(s), which may include Best Management Practices which the City determines will adversely affect the operation or implementation of the local Pretreatment program.

SUPPLEMENTAL ENFORCEMENT ACTIONS

Section 18.06.063 Penalties for Late Reports

Any User which fails to timely submit a report shall pay the penalties set forth below:

- (1) a penalty of \$100.00 shall be assessed to any User for each day that a report required by this Article is late, beginning thirty (30) days after the date the report is due;

- (2) Actions taken by the City to collect late reporting penalties shall not limit the City to initiate other enforcement actions that may include penalties for late reporting violations.

Section 18.06.064 Performance Bonds

The City may decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of this Article, a previous wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the City of Cedar Park, in a sum not to exceed a value determined by the City to be necessary to achieve consistent compliance.

Section 18.06.065 Liability Insurance

The City may decline to issue or reissue an wastewater discharge permit to any User who has failed to comply with any provision of this Article, a previous wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

Section 18.06.066 Payment of Outstanding Fees and Penalties

The City may decline to issue or reissue a wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this Article, a previous wastewater discharge permit, or order issued hereunder.

Section 18.06.067 Water Supply Severance

- (a) Whenever a User has violated or continues to violate any provision of this Article, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply with this Article.
- (b) The City shall not be liable for any resulting damage to the User's property as a result of disconnection under the conditions for disconnection.

Section 18.06.068 Public Nuisances

A violation of any provision of this Article, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance in accordance with Texas Local Government Code Chapter 217, and shall be immediately corrected or abated as directed by the City. In the event that such violation is not abated, the City may abate the nuisance in any way the City considers expedient. The City may file such cost as a lien against the property.

Section 18.06.069 Contractor Listing

Users which have not achieved compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contractual award for the sale of goods or services to the City.

Section 18.06.070 Recovery of Costs Incurred by the City of Cedar Park

Any person violating any of the provisions of this Article, the regulation, or rules of the City, orders issued by the City, or orders of any court of competent jurisdiction, or who discharges or causes a discharge producing a deposit, obstruction, deterioration in effluent quality, or causes damage to or impairs the POTW shall be liable for any expense, loss, or damage caused by such violation or discharge. The City may order the person to clean up, repair, replace, and pay for any expenses, loss, or damages caused by the act of commission or omission by the User and bill the User for the costs incurred by the City for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed cost shall constitute a violation of this Article enforceable under the provisions of this chapter, including the penalty provisions. Also, after notice to the User and failure of the User to pay or to perform as required by the City, the City may file suit in the appropriate court with jurisdiction in the amount of cost paid or incurred by the City and collect the amount as an itemized sworn account. The City may file such cost as a lien against the property.

AFFIRMATIVE DEFENSE TO DISCHARGE VIOLATIONS

Section 18.06.071 Affirmative Defense – Act of God

- (a) The Act of God defense constitutes a statutory affirmative defense as defined in the Texas Water Code Section 7.251 as amended, in an action brought in municipal or State court. If a person can establish that an event that would otherwise be a violation of this Article, or a permit issued under the Article, was caused solely by an act of God, war, strike, riot or other catastrophe, the event is not a violation of the Article or permit. Act of God does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation;
- (b) A User who wishes to establish the Act of God affirmative defense shall demonstrate, through relevant evidence that:
 - (1) An event that would otherwise be a violation of this Article or a permit issued under this Article occurred, and the sole cause of the event was an act of God, war, strike, riot or other catastrophe; and
 - (2) The User has submitted the following information to the City within twenty-four (24) hours of becoming aware of the event that would otherwise be a violation of this Article or a permit issued under this Article (if this information is provided orally, a written submission must be provided within five (5) days);

- (A) A description of the event, and the nature and cause of the event;
 - (B) The time period of the event, including dates and times or, if still continuing, the anticipated time the event is expected to continue; and
 - (C) Steps being taken or planned to reduce, eliminate and prevent recurrence of the event;
- (3) In any enforcement proceeding, the Industrial User seeking to establish the Act of God affirmative defense shall have the burden of proving by a preponderance of the evidence that an event that would otherwise be a violation of a this Article, or a permit issued under this Article, was caused solely by an act of God, war, strike, riot or other catastrophe;
- (4) A User shall control production of all discharges to the extent necessary to maintain compliance with Pretreatment requirements upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power for the treatment facility is reduced, lost, or fails.

Section 18.06.072 Bypass

- (a) Bypass is prohibited, and the City may take an enforcement action against a User for a Bypass, unless
- (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage (substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources);
 - (2) There were no feasible alternatives to the Bypass, such as the use auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a Bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The User submitted notices as stated herein;
- (b) If a User knows in advance of the need for a Bypass, the User shall submit prior notice to the City at least ten (10) days before the date of the Bypass, outlining steps of the Bypass and precautions to be taken;
- (c) The City may approve an anticipated Bypass, after considering its adverse effects, if the City determines there were no feasible alternatives as outlined in Section 18.06.080(a)(2);

- (d) A User may allow a needed Bypass to occur which does not cause Pretreatment standards or requirements to be violated only if:
 - (1) It is for essential maintenance to assure efficient operation; and
 - (2) The City is notified at least five (5) days prior to the Bypass;
- (e) A User shall submit oral notice to the City of an unanticipated Bypass that exceeds applicable Pretreatment requirements within twenty-four (24) hours from the time the User becomes aware of the Bypass.
 - (1) A written submission shall also be provided within five (5) days from the time the User becomes aware of the Bypass;
 - (2) The written submission shall contain;
 - (A) A description of the Bypass;
 - (B) The cause of the Bypass;
 - (C) The duration of the Bypass, including exact dates and times, and,
 - (D) If the Bypass has not been corrected,
 - (i) The anticipated time it is expected to continue and;
 - (ii) Steps taken or planned to reduce, eliminate, or prevent reoccurrence of the Bypass;
- (f) The City may waive the written report on a case-by-case basis if proper oral notice has been given.

Section 18.06.073 Pretreatment Charges and Fees

Users shall pay to the City the fees set forth in Appendix A Fee Schedule for reimbursement of costs of setting up and operating the City's Pretreatment Program.

When the Director finds that a User has violated, or continues to violate, any provision of this Article, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may fine such User in an amount not to exceed one thousand dollars (\$1,000) [or maximum fine allowed under State Law for an administrative penalty]. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

Section 18.06.074 Severability

If any provision of this Article is found by any court of competent jurisdiction to be invalid, the remaining provisions shall not be effected and shall continue in full force and effect.

Section 18.06.075 Public Participation

The City shall comply with the public participation requirements of Title 40 Code of Federal Regulations, 403.8(f)(2)(vii) in the enforcement of these Pretreatment Requirements.

Section 18.06.076 Pollution Prevention

The City encourages all Users to incorporate pollution prevention measures into the activities of their facilities. The user shall be responsible for complying with any applicable mandatory federal and state laws or regulations. Pollution prevention activities may be incorporated into the User's permit if required by regulation or the City determines that the pollution prevention activities will be beneficial in meeting the objectives of Section 18.06.001.

Section 18.06.077 Jurisdiction

This chapter shall be applicable and shall encompass all Users operating within the City limits of the City of Cedar Park and to any Users operating in its extraterritorial jurisdiction.

ARTICLE 8.000 UTILITY RELATED FEES

8.1200 Wastewater Discharge Permit Fee

The City shall assess and collect a wastewater discharge permit fee of \$250.00 per User

